

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Joan and Dean Dimitri
DOCKET NO.: 05-00894.001-R-1
PARCEL NO.: 11-16-100-019

The parties of record before the Property Tax Appeal Board are Joan and Dean Dimitri, the appellants, and the Kane County Board of Review.

The subject property is a split-level masonry single family residence containing 1,720 square feet of living area built in 1974. Features include one full bath and one half-bath, a partially finished basement, central air conditioning, two fireplaces and an attached two-car garage.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these claims, the appellants submitted a grid analysis detailing four comparable properties. The comparables are located within one-half mile of the subject. They consist of frame or brick and frame split-level homes built between 1966 and 1978. Three of the comparables have central air conditioning, two fireplaces and finished basements. One of the comparables has an unfinished basement. All of the homes have a two-car garage. The comparables ranged in size from 1,638 to 1,800 square feet of living area and have improvement assessments ranging from \$60,364 to \$70,835 or from \$36.19 to \$42.90 per square foot of living area. The subject property has an improvement assessment of \$76,403 or \$44.42 per square foot of living area.

Sales information provided by the appellants indicates these homes sold from January 1988 to September 2005 for prices ranging from \$91,500 to \$290,000 or from \$54.86 to \$173.77 per square foot of living area, including land. Based on this evidence, the appellants requested the subject's improvement assessment be reduced to \$72,815 or \$42.33 per square foot of living area.

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Kane County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	19,140
IMPR.:	\$	72,815
TOTAL:	\$	91,955

Subject only to the State multiplier as applicable.

PTAB/eeb/Mar.08/2005-00894

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$95,543 was disclosed. In support of the subject's assessment, the board of review submitted a sales spreadsheet, grid analysis and property record cards. The grid analysis details seven suggested comparable properties. The comparables are located from one-half mile to 1.1 miles from the subject. The comparables are split-level homes of frame or frame and masonry construction ranging from 27 to 39 years old. They have central air conditioning, at least one fireplace and partially finished basement areas. The homes have living areas ranging from 1,172 to 1,771 square feet of living area and have improvement assessments ranging from \$65,413 to \$82,726 or from \$42.90 to \$55.81 per square foot of living area.

Five of the comparables sold from January 1994 to October 2004 for prices ranging from \$100,000 to \$345,000 or from \$60.57 to \$218.49 per square foot of living area, including land. The subject's total assessment of \$95,543 reflects an estimated market value of approximately \$286,143 or \$166.36 per square foot of living area, including land, using the 2005 three year median level of assessments of 33.39% for Kane County as determined by the Illinois Department of Revenue. Based on this evidence, the board of review requested confirmation of its assessment.

At hearing the board of review was requested to provide a detailed grid sheet for each of its comparable properties. The appellants were given additional time to refute the information provided by the board of review. Both parties submitted additional evidence and arguments which were beyond the scope of the order and are not proper per the order and have not been considered in the Board's analysis. Only the detailed comparable properties and information refuting the comparable data have been considered in this decision.

After hearing the testimony and considering the properly submitted evidence, the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellants contend assessment inequity as one basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have overcome this burden.

The Board finds the board of review's comparable 1 and the appellants' comparable 4 are the same property, therefore, the

Board finds the parties submitted ten assessment comparables for consideration. Further, the Board finds the comparables submitted by both parties to be generally similar to the subject in size, construction and most other features. However, the Board gives more weight to the appellants' comparables and the board of review's comparables 1 and 2 which are located in closer proximity to the subject because they are more representative of the subject's immediate area. The evidence submitted indicates these properties have improvement assessments ranging from \$36.19 to \$44.18 per square foot of living area. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment of \$44.20 per square foot of living area is above the range established by the most similar comparables located in close proximity to the subject. Therefore, the Board finds the subject's improvement assessment is not supported and a reduction in the subject's improvement assessment is warranted on this basis.

The appellants also argued overvaluation as a basis of the appeal. Based on the above equity analysis the Board finds the overvaluation argument submitted by the appellants need not be addressed further in this decision. It is noted, however, that the appellants only submitted two valid recent sales in 2004 and 2005 as sales in 1988 and 1997 are not valid indicators of value for the subject property in 2005. Section 1910.65(c)(4) of the Property Tax Appeals Board rules reiterate the number of sales needed to prove market value:

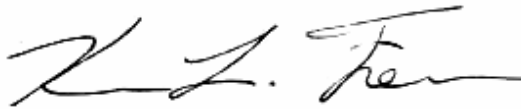
documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.

Based on the above analysis, the Property Tax Appeal Board finds the appellants have demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence and a reduction in the subject's assessment is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.